GOVERNMENT OF INDIA
PERSONNEL,PUBLIC GRIEVANCES AND PENSIONS
LOK SABHA

STARRED QUESTION NO:521
ANSWERED ON:29.08.2001
AMENDMENT OF TH SCHEDULE OF THE CONSTITUTION
RATTAN LAL KATARIA

Will the Minister of PERSONNEL,PUBLIC GRIEVANCES AND PENSIONS be pleased to state:

(a) whether there is any proposal under consideration of the Government to bring reservation policy for SC/ST under 9th schedule of the constitution for the effective implementation of reservation;

(b) if so, the details thereof;

(c) whether the Government have received any memorandum in this regard from various SC/ST organisations; and

(d) if so, the action taken/proposed to be taken by the Government thereon?

Answer

THE MINISTER OF STATE OF THE MINISTRY OF SMALL SCALE INDUSTRIES, AGRO AND RURAL INDUSTRIES, MINISTER STATE IN THE DEPARTMENT OF PERSONNEL AND TRAINING, DEPARTMENT OF PENSIONS AND PENSIONERS WE OF THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS AND MINISTER OF STATE II DEPARTMENTS OF ATOMIC ENERGY AND SPACE. (SMT.VASUNDHARA RAJE)

(a): No, Sir.

(b): Does not arise.

(c): Yes, Sir.

(d): Reservation Policy of the Government has been articulated through executive instructions, which have the force of law, as per the Supreme Court Judgement in the Indira Sawhney case. Since there is no Act of reservation, therefore, the question of including the Reservation Policy of the Government in the 9th Schedule of the Constitution does not arise.